

December 30, 2013

West Des Moines City Council Proceedings  
Monday, December 30, 2013

Under Rule 12 of the Council Procedures, Jody Smith, Deputy City Manager/City Clerk, opened the regularly scheduled meeting of the City Council of West Des Moines, Iowa, in the Council Chambers of the West Des Moines City Hall on Monday, December 30, 2013 at 5:31 P.M. Council members present were: J. Mickelson, T. Ohmart, and K. Trevillyan. Mayor Steven K. Gaer and Mayor Pro tem R. Trimble were absent. The City Clerk noted, under Rule 13 of the Council Procedures, if both Mayor and Mayor Pro tem are absent, the Council members present will select the presiding officer by vote.

It was moved by Trevillyan, second by Mickelson to designate Council member Ohmart as the presiding officer.

Vote 13-489: Mickelson, Ohmart, Trevillyan...3 yes  
Motion carried.

On Item 1. Agenda. It was moved by Trevillyan, second by Mickelson to approve the agenda as presented.

Vote 13-490: Mickelson, Ohmart, Trevillyan...3 yes  
Motion carried.

On Item 2. Public Forum: No one came forward.

On Item 3. Council/Manager/Other Entities Reports:

Council member Mickelson reported he attended a meeting of the Taxpayers Association of Central Iowa, where information was presented on cities' use of TIF financing, and West Des Moines was considered one of the leaders. He commended his fellow elected officials and city staff for their leadership in successfully utilizing TIF as a financial tool.

Council member Sandager arrived at 5:35 p.m. The attendance was retaken. Council members present were: J. Mickelson, T. Ohmart, J. Sandager, and K. Trevillyan.

Council member Sandager reported the Finance and Administration Subcommittee met and discussed the RFP for facility management, the proposed change in the employee complement to add a Planner position, and a funding request from the West Des Moines Historical Society for capital improvements.

Council member Ohmart inquired if there is funding available in the budget for the new Planner position.

December 30, 2013

Council member Sandager responded yes, it is. He noted the unexpected increase in building permit related fees would more than offset the cost of the position.

Council member Ohmart stated he believes the elected body also needs to have a discussion on a possible reorganization that could impact Development Services and Engineering.

City Manager Greg Sparks responded staff has recommended that the Council discuss that matter at a future Council Workshop or during the Budget Workshop scheduled for January 25th. He stated there are several recommendations to discuss for the possible reorganization, but the planner position needs to start as soon as possible.

City Manager Greg Sparks reported the Sister Cities Commission met on December 11th, where a subcommittee was established to consider criteria for selecting possible sister cities. He also reported Police Captain Paul Barrows is retiring, and he expressed appreciation for his years of service.

Council member Ohmart reported the Metropolitan Planning Organization's Policy Committee met and held discussion on the IDOT's removal of the I-80 rest area near 105th Street. There had been concerns expressed at the MPO meeting because the IDOT had originally requested funding from Waukee and West Des Moines to relocate the rest area, but they have since decided not to relocate it.

On Item 4. Consent Agenda.

Council members pulled Items 4(e)1, 4(e)2, and 4(j) for discussion. It was moved by Sandager, second by Trevillyan to approve the consent agenda as amended.

- a. Approval of Minutes of December 9, 2013 Meeting
- b. Approval of Bill Lists
- c. Approval of Liquor Licenses:
  - 1. Blue Tomato, Inc., d/b/a Blue Tomato Kitchen, 860 1st Street - Class BW Permit with Sunday Sales - New
  - 2. LLK Inc. d/b/a Funny Bone Comedy Club & Restaurant, 560 South Prairie View Drive, Suite 100 - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
  - 3. J.P. Parking Inc. d/b/a J.P. Parking Inc., 6220 Racoon River Drive - Class BC Beer Permit with Carryout Wine and Sunday Sales - Renewal
  - 4. SWM Corporation d/b/a Mimi's Café, 490 South 68th Street - Class LC Liquor License with Sunday Sales and Outdoor Service Privileges - Renewal
  - 5. Richard Scott Baskerville, d/b/a Scott's Shoppe, 542 5th Street - Class BC Beer Permit - Renewal
  - 6. Kwik Trip, Inc. d/b/a Tobacco Outlet Plus #565, 1220 Grand Avenue, Suite 101 - Class BC Beer Permit with Sunday Sales - Renewal

- d. Approval of Appointments:
  - 1. 2014 and 2015 Committee/Liaison Assignments
  - 2. City Clerk and Deputy City Clerk
  - 3. Sister Cities Commission
- f. Approval of HUD Transitional Housing Grant Applications:
  - 1. Supportive Housing Grant, through November 30, 2014
  - 2. Supportive Housing Grant, through July 31, 2015
- g. Approval of Concept - Iowa Reinvestment Act Application - We Compete SportsPlex at Pavilion Park
- h. Reject all Proposals Received - Facility Management Services
- i. Approval of Change in Employee Complement - Development Services
- k. Approval of Pay Plan for Seasonal/Temporary Employees
- l. Approval of Amendment to 28E Agreement - Convention and Visitors Bureau
- m. Approval of Professional Services Agreements:
  - 1. Holiday Park Stormwater Management Plan
  - 2. Ashworth Road Trail
  - 3. Community Center Sanitary Service and HVAC Upgrades
- n. Acceptance of Cooperative Services Agreement and Deed - Polk County Right-of-Way Transfer
- o. Approval of Agreement for Surface Transportation Program (STP) Funding - Grand Avenue Improvements Project, Phase 5
- p. Approval and Acceptance of Hold Harmless Agreement - Aldi, Inc.
- q. Approval of Addressing - Various Locations within City Limits

Vote 13-491: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

On Item 4(e)1 Approval of Contract Amendment - 139 6th Street - Building Renovation, #1 and  
Item 4(e)2 Approval of Contract Amendment - Westside Animal Control Facility (WestPet), #2

Council member Ohmart inquired who the architect is for these two projects and if they were selected by a competitive bidding process.

Linda Schemmel, Planner, responded both contracts are with OPN Architects. For the WestPet contract, an RFP process was conducted by a committee comprised of representatives from Urbandale, Clive, and West Des Moines. For the 139 6th Street Renovation contract, OPN Architects was the original architect contracted by Polk County to review their potential cost as to renovations to the building and had already done space planning work, so staff determined it would be best to contract with them.

Council member Ohmart inquired at what point in the design process the 139 6th Street Renovation project is currently.

December 30, 2013

Ms. Schemmel responded the initial agreement for professional services was approved by the Council and they have gone through the entire design process and completed some work on the construction drawings. She noted since it is an older building with little documentation, staff conducted an evaluation of costs, which determined that the initial budget would not meet the needs of the building.

Council member Ohmart expressed concerns that the Council has not seen the proposed plans for the building's layout.

Ms. Schemmel stated the common practice for past remodeling projects hasn't included presenting detailed floor layout plans to the Council.

Council member Ohmart stated he believes the Council should be given an opportunity to review plans.

The majority of the Council members expressed that they are comfortable proceeding on remodeling projects in the future without seeing the detailed plans.

It was moved by Ohmart, second by Trevillyan to approve Item 4(e)1 Approval of Contract Amendment - 139 6th Street - Building Renovation, #1 and Item 4(e)2 Approval of Contract Amendment - Westside Animal Control Facility (WestPet), #2.

Vote 13-492: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

On Item 4(j) Approval of Four Year Commitment of Hotel/Motel Tax Revenues - West Des Moines Historical Society Capital Campaign

Council member Ohmart requested background information on this item.

John Norwood, Chair of the West Des Moines Historical Society, stated the West Des Moines Historical Society manages two properties, Bennett School and the Jordan House. He explained the Jordan House has \$150,000 to \$200,000 worth of deferred maintenance needed, so the Historical Society is conducting a capital campaign and is requesting funding from the City, \$15,000 a year for four fiscal years, because if they have support from the City, then they will be more likely to obtain funding from other sources, such as Polk County, Prairie Meadows, and Bravo.

It was moved by Ohmart, second by Sandager to approve Item 4(j) Approval of Four Year Commitment of Hotel/Motel Tax Revenues - West Des Moines Historical Society Capital Campaign.

December 30, 2013

Vote 13-493: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

On Item 5(a) Jordan Creek Town Center, 101 Jordan Creek Parkway - Amend the Planned Unit Development to Modify Setback and Buffer Development Standards for 1 Parcel within the Town Center Development, initiated by GGP Jordan Creek, LLC

Council member Ohmart inquired if General Growth Properties has provided all the needed agreements and easements.

City Attorney Dick Scieszinski responded yes, they have.

It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval and Acceptance of Easements.

Vote 13-494: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

It was moved by Sandager, second by Trevillyan to consider the second reading of the ordinance.

Vote 13-495: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the second reading of the ordinance.

Vote 13-496: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

It was moved by Sandager, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 13-497: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

On Item 5(b) Amendment to City Code - Title 7 (Public Ways and Property), Chapter 4 (Public Benches) - Repeal of Entire Chapter, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to consider the second reading of the ordinance.

Vote 13-498: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

December 30, 2013

The City Clerk read the preamble to the ordinance.

It was moved by Sandager, second by Trevillyan to approve the second reading of the ordinance.

Vote 13-499: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

It was moved by Sandager, second by Trevillyan to waive the third reading and adopt the ordinance in final form.

Vote 13-500: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

On Item 5(c) Appointment to Park and Recreation Advisory Board - Recommendation from Park and Recreation Advisory Board, initiated by the City of West Des Moines

It was moved by Sandager, second by Trevillyan to adopt Motion - Approval of Appointment of Joe Hrdlicka to the Park and Recreation Advisory Board.

Council member Sandager stated the City received a lot of great applications and he was excited about the level of interest. He encouraged those who expressed interest to run for a seat on the Park and Recreation Advisory Board during the next city election.

Council member Mickelson encouraged those who expressed interest in the Park and Recreation Advisory Board to seek positions on other City boards or commissions as well.

Vote 13-501: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

On Item 6(a) Presiding Officer Ohmart indicated this was the time and place for a public hearing to consider Greenway Crossing, southeast corner of 92nd Street and Bishop Drive - Amend the Comprehensive Plan Land Use Map and Amend Parcel E of the Planned Unit Development (PUD) to Create Parcels F and G for Office Development and Parcel H for High Density Residential Development, initiated by Hubbell Realty Company. He asked for the date the notice was published and the City Clerk indicated the notice was published on December 13, 2013 in the Des Moines Register. Presiding Officer Ohmart asked if any written comments had been received. The City Clerk stated on a vote of 6-0, with one member absent, the Plan and Zoning Commission recommended City Council approval of the Comprehensive Plan amendment and PUD amendment. He also noted the Council has received a memorandum from staff recommending several non-substantive changes to the proposed Ordinance.

Presiding Officer Ohmart asked if there were any public comments; hearing none he declared the public hearing closed.

December 30, 2013

It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval of Comprehensive Plan Land Use Map Amendment.

Vote 13-502: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

It was moved by Trevillyan, second by Sandager to consider the first reading of the ordinance.

Vote 13-503: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

The City Clerk read the preamble to the ordinance.

It was moved by Trevillyan, second by Sandager to approve the first reading of the ordinance.

Vote 13-504: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

On Item 7(a) Tiburon, generally south of Mills Civic Parkway and west of South 95th Street - Subdivide Property into 13 Lots for Residential Development, 3 Public Street Lots, 2 Lots for Parkland Dedication and 2 Outlots for Transfer of Ownership, initiated by Triple T, LLC

It was moved by Trevillyan, second by Sandager to adopt Resolution - Approval and Release of Final Plat, subject to the applicant complying with all applicable City Code requirements and the following conditions of approval:

1. Construction can begin on only one lot, until such time that public improvements construction are completed and accepted.
2. Construction on said lot is limited to footing and foundations only, including related utility work, until such time that water service for said plat can provide fire protection.
3. No occupancy for said lot will be permitted until public improvements are accepted.
4. An Agreement and Wavier for the reconstruction and improvements of Mills Civic Parkway and associated sidewalks, streetlights and appurtenances will be recorded on each lot.
5. A Developer's Agreement for private streetlights is completed.
6. A revised Homeowner's Restrictive Covenants including responsibility for private streetlights is submitted.

December 30, 2013

Vote 13-505: Mickelson, Ohmart, Sandager, Trevillyan...4 yes  
Motion carried.

On Item 8(a) Walnut Creek Church, 2551 Fuller Road - Amend the Nazarene Church Campground Planned Unit Development (PUD) to Rezone the Property from PUD to Open Space - City Initiated - Referred to Plan and Zoning Commission

On Item 8(b) Vacation of a portion of Army Post Road Right-of-Way - beginning 40 feet west of the Centerline of South 42nd Street and then westerly to Current Terminus - Des Moines Water Works - Referred to Plan and Zoning Commission

On Item 8(c) Comprehensive Annual Financial Report - 2012-13 FY - Received and Filed

Brian Unsen, Eide Bailly, gave an overview of the independent audit his firm conducted of the City's finances. He noted the general fund unassigned balance for June 30, 2013 was \$24.8 million, which is 53 percent of the general fund's 2013 expenditures and well above the City's goal. He also noted the City had \$174 million in debt in 2004, but in 2013 only had \$105 million in debt. He explained that the Government Accounting Standards Board will implement new pension standards in 2015, requiring all cities to include their portion of unfunded pensions in their books. He noted the City of West Des Moines was awarded the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association for 2012 and will apply for it again in 2013.

Council member Mickelson inquired if the new pension standards could have an impact on the City's credit rating.

Mr. Unsen responded the revised pension standards will affect all cities in the U.S. and Iowa's pension systems are in a much better financial position than those of many other states, so while he can't predict what the impact will be for West Des Moines, it will not be as significant of a negative impact as other cities around the U.S..

On Item 8(d) West Des Moines Water Works - 2014 Budget - Received and Filed

On Item 8(e) Angela Chen Resignation - Sister Cities Commission - Received and Filed

On Item 9 - Other Matters: none

Jody Smith, Deputy City Manager/City Clerk, stated Mayor Steven K. Gaer was previously sworn in on December 23th and Council member Russ Trimble on December 19th for their new four year terms beginning January 2, 2014. Mr. Smith then swore in At-Large Council Member Rick Messerschmidt, First Ward Council Member Kevin Trevillyan, and Park and Recreation Advisory Board members Rick Swalwell and Heather Schebel, all for four year terms beginning



December 30, 2013

January 2, 2014, and Joe Hrdlicka for the unexpired Park and Recreation Advisory Board term expiring January 1, 2016.

The meeting was adjourned at 6:24 p.m.

Respectfully submitted,

---

Ryan T. Jacobson  
Deputy City Clerk

ATTEST:

---

Ted Ohmart, Presiding Officer